

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JULY 2, 2002

Chair Mathewson called the meeting to order at 7:03 p.m. in the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Chair Mathewson, Vice Chair Wiecha (VC), Parsons, Frautschi, Gibson, Feierbach, Torre (Arrived 7:05)

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing, City Attorney Savaree (CA), Associate Planner Swan (AP), Recording Secretary Szabó (RS)

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

4A. Minutes of May 21, 2002

4B. Minutes of June 4, 2002

MOTION: By C Parsons, second by C Frautschi to approve minutes of May 21, 2002 and minutes of June 4, 2002. Motion passed.

PUBLIC HEARINGS: None

NEW BUSINESS:

5A. Tree Removal – IHM Master Plan Development – 1040 Alameda de Las Pulgas

AP Swan presented a review of the emergency provision of the municipal ordinance. She stated there was a detailed development plan reviewed in June of 2001. In that review, the arborist report identified one tree at the corner of Ralston and Alameda de las Pulgas as "at risk". This was associated with the re-alignment of the Ralston turn lane. She stated that the item was reviewed and approved and in mid-March of 2002 actual grading occurred and the tree's roots were impaired. It was at that time deemed as an emergency situation. The provision used, section 25 9B4 of the municipal code stated that a tree removal permit is not required for a protected tree, determined to be injurious to public utilities. In this case both the City's consulting arborist and the Parks and Recreation Director determined that the tree would be injurious to the street. A tree removal permit was issued in May of 2002. Sunrise Development representatives were aware of the emergency situation. Sunrise Development provided the City with a letter describing how they were going to replace the lost tree. They stated that the estimated completion date for the replacement would be in September 2002.

AP Swan further stated that the remaining trees are also of concern and the protection measures will be to have the City's consulting arborist conduct another site visit in order to assure that the required protection measures are being met. C Frautschi asked why we were only requiring them to replace one tree and not replace the tree at a three to one ratio. AP Swan responded by telling the Commissioners that this was being

reviewed as a mitigation measure. This was a tree that was previously identified as protected and it was an accident that the tree was impaired. It is through this emergency provision ordinance that the removal was allowed so that is why the City cannot go back and require mitigation's, because it was not previously reviewed and approved that way. At this time the City has an informal agreement with the developers to replace the lost tree. C Frautschi said that it was his understanding that the tree, from the very beginning, might be lost. AP Swan stated that in the arborist report the tree was identified as being "at risk", and there were some provisions described in order to avoid loss of the tree. She stated further that the arborist's report required mitigation measures which were voted on and approved, that "x" number of trees be replaced. So actually there are many trees to be included at this site. C Frautschi asked if the tree would be replaced with a similar size tree. C Parsons stated that the trees at that location, both on Alameda and Ralston are tall vase shaped, eucalyptus trees. He said he thought the replacement tree should be of similar shape and size, if available.

C Torre asked if the special demolition instructions were followed. AP Swan stated that she was not actually at the site, and she is utilizing the description of the arborist after the site visit. It was AP Swans understanding that trenching occurred and that it is not clear which utility did the digging, but the damage done to the tree was irreparable. She stated further that she is going to ask the arborist to do follow-up visits to the site to assure that the mitigation measures for the remaining trees have been met and continues to be met.

VC Wiecha asked who was responsible to insure that the contractor for Sunrise is following all the mitigation measures. AP Swan stated that it is the arborist that does this when he conducts his follow-up visits. CDD Ewing stated that the enforcement of the measures are enforced by the City. It could be by a building inspector, a planner, or the arborist. He stated further that the arborist said in his report that the hazardous condition was due to the root severing required for the curb construction.

VC Wiecha again voiced her concern as to whether the mitigation measures are being followed. She added that the other 2 eucalyptus trees looked stressed and not in very healthy condition. She stated that she did not feel it was a very good idea to have the consulting arborist to be the only one responsible for making sure the mitigation's are being maintained. She continued that the City should make sure that city agents should be sure to monitor closely, the mitigation measures.

Chair Mathewson also voiced his concern regarding whether the mitigation measures were being monitored properly.

Dan Zemanek came up and addressed the Commission. He wanted to make it very clear that he is working with his landscape architect to place a very attractive tree in the eucalyptus' place. He asked that the Commission be flexible and allow them to choose the tree that will be replacing the eucalyptus tree. But Mr. Zemanek assured the Commission that whatever tree would be placed, it would be beautiful and green.

C Feierbach suggested that Mr. Zemanek come back with plans to show them where he will be placing the tree. CDD Ewing stated that staff would get back to the Commissioners regarding the monitoring of mitigated measures.

5B. Study Session – Single Family Design Review Options.

CDD Ewing presented the staff report. He stated that he will be giving the same over-view to the Council that he has given them this evening. He also reported that he would forward any suggestions from the Commission to the Council.

C Torre commented as to whether it would be useful to have an exception process with tradeoffs. She also asked CDD Ewing if we could have a list of projects that have had variances. CDD Ewing already had the list and passed it to C Torre.

Adam Nasser spoke before the Commission stating that he would like to see simplification of the Design Review process. He complained about the high fees for plan checking. He stated that his plan check fees were the same cost as having the plans drafted for his home. He also said he would like to see some kind of flow chart in the Permit Center that would show the steps from beginning to end when submitting plans. He said that if he asks some of the employees at the Permit Center what is the process, they only know a small

portion of it, or they don't know it at all. He stated that he wished there was more cross-training between departments at City Hall.

C Frautschi asked CDD Ewing how long the department has to process a submission. CDD Ewing said the department had 30 days in which to review the submission. He also asked CDD Ewing to go over the grading process.

CDD Ewing responded by saying the Grading Ordinance is not contained in the Zoning Code, it is contained in the Municipal Code. It is a process that follows, once all zoning entitlements are granted, ie., the Planned Development, the Conditional Use Permit, or the Design Review. The applicant prepares the detailed structural and grading plans with all the calculations and engineering. Then they submit for a grading permit at the Public Works Department. Then the Public Works Department does their checking. Then if the project has more than 500 cubic yards the Planning Commission is supposed to review that permit. That is how the ordinance currently reads. CDD Ewing continued to explain that the problem, if we followed the ordinance that way, the Commission would be looking at that project without that grading information, and thus the Commission would have no authority over the grading permit. The Commission would, at that time grant a Planned Development Permit or Design Review. If that grading permit involved 500 cubic yards, then the project would be presented to the Commission a second time to approve the grading permit. CDD Ewing said the dilemma the City found itself in is that the Commission would find information about the grading permit and the retaining walls and the number of trucks, etc. after the Commission had already granted the project. CDD Ewing added that this process was changed because there must have been a sense of frustration about the Commission not knowing about the grading permit sooner. So the response from staff would be to agree to bring the permit before the Commission sooner, but that is not what the code tells staff to do. So an improvement to the process was made, but the code has not been changed to support it. CDD Ewing continued by saying that he thought the code should be changed to support the process the way it is being done now, so that things are in alignment.

Chair Mathewson asked CDD Ewing if it would make sense to move the grading ordinance into the zoning code.

CDD Ewing answered that what he would prefer is to leave the grading for the Public Works and the detailed calculations in the municipal code, and create a new grading review authority in the zoning code.

C Frautschi asked CDD Ewing about the Flexibility in the Site Standard document CDD Ewing prepared for the Commission, what he meant when he stated that "this option is the most policy oriented option"

CDD Ewing responded by saying that the Commission would be deciding, from a policy standpoint, whether the idea of introducing flexibility is a good idea for Belmont. It is not a technical matter, it's not improving the legal wording of the language, but it is really a question of how the Commission would like to see development reviewed.

C Frautschi also added that he would have appreciated it if CDD Ewing would have included the City of Belmont on his comparison of Zoning Ordinances.

VC Wiecha asked if the Council has asked staff to go through the design review and ordinance process. CDD Ewing said that they had indeed asked staff to do this.

C Gibson asked what would be gained by consolidating permits. CDD Ewing responded, by doing so would significantly reduce the fees that are being paid now by the homeowner.

C Feierbach asked if there had been any thought to replacing floor area with footprint. CDD Ewing responded by saying some cities use both. CDD Ewing said that he felt floor area was better than footprint.

VC Wiecha asked if a design review is done on façade improvements. CDD Ewing stated that façade improvements do require design review.

C Torre commented that she felt the Commission should be very clear about what they ask Council to change regarding the design review process. She said that if the permits are consolidated with only one set of findings there might be implicit policy changes.

Chair Mathewson asked CDD Ewing how much less would the fees be if the permits were consolidated. CDD Ewing said he thought the fees would be reduced by 25 to 30 percent.

Chair Mathewson stated that he thought the Commission would all agree that Option 1 needs to be done. On Efficiency and cost issues [Option 2], Chair Mathewson said a portion of that sounds reasonable. He went on to say that he was very concerned about the Flexibility Option [Option 3]. On Variance vs. Exception process, Chair Mathewson stated that he would lean towards Variance rather than Exception.

VC Wiecha stated she would not be supportive of changing variances to exceptions. She felt that the approach should focus on the design process in terms of bulk, height, mass, grading, etc. She does not want to make it easier for huge buildings to be put up on small, steep lots. Instead she feels what the Commission should be looking at is all the various design criteria that go into determining the building envelope and siting, and seeing how to develop a comprehensive program for outlining design criteria on, for instance, hillside development.

C Feierbach suggested that maybe the Commission should hold off on their recommendations to the Council until after the Commission has gone on their City Site Tour. She also said that she agreed with VC Wiecha that the variances should be kept. Design review originally was just a notification to the neighbors. She would consider expanding the design review process so that the Commission could look at other particulars instead of just the few the Commission are looking at now.

VC Wiecha responded by stating that actually it is not the design review, but the requirements of the zoning ordinance for set-backs, height, retaining wall, etc, that are important. She continued that when Commission is looking at a design review, you are trying to see if it is compatible with the neighborhood, and that it meets all requirements in the zoning ordinance. That is the framework of what dictated floor area ratio, height, set-backs, and therefore massing.

Chair Mathewson asked CDD Ewing if he had sufficient direction.

CDD Ewing stated that he felt that the Commission had a general interest in not going any further than consolidation [Option 2] He will go to the Council on the 23rd of July, for their direction and initiate a Zoning Text Amendment. A Planning Commission Study Session and Public Hearing would follow.

5C. Planning Commission letter to City Council on Downtown Redevelopment.

C Parsons stated that he thought the letter was great and that it should be sent to Council as is.

C Feierbach passed out some pictures of Downtown Belmont. She stated that there are entirely too many signs on various buildings. CDD Ewing said that he would initiate enforcement measures regarding the signs.

C Gibson suggested that the Commission should speak to the Historical Society suggesting that a display case be installed to display some historical items.

C Parsons suggested that Chair Mathewson make a few minor changes to the letter and then send it to each Commissioner via the internet.

Chair Mathewson stated that he would add to the letter C Gibsons comments on the Historical Society's display case and also C Feierbachs comments on signage throughout the City.

REPORTS, STUDIES, UPDATES, AND COMMENTS

C Parsons said that there was debris near the creek behind the high school in a construction site that should have been fenced off.

C Frautschi commented that he noticed that contractors were not really following the City's ordinances and rules. He called the police to complain about the re-roofing project at Notre Dame Elementary School. The police told him that the schools do not have to follow the City rules. He does not agree with that. He said he noticed the contractors began work 5:55 in the morning. They also started on Saturday at 8:00 in the morning. Finally a police officer showed up at the site. They stopped work while the police officer was there, but continued upon his departure. C Frautschi called the police again. C Frautschi said that he felt we should consider basing fines on a percentage of the project price. He believes the rules should be enforced more than they are now.

VC Wiecha asked if there is an update regarding the Ross Lighting site. CDD Ewing said that he believes a permit will be taken in the next week, or so.

CDD Ewing reported that the Arco meeting that took place on July 1st went well. There were only 3 residents in attendance.

ADJOURNMENT:

The meeting adjourned at 9:45 p.m. to a regular meeting on Tuesday, July 16, 2002 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.